



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/522,201

02/16/2006

Jean Dolbec

2060/43

3744

27774 7590 10/22/2009

MAYER & WILLIAMS PC  
251 NORTH AVENUE WEST  
2ND FLOOR  
WESTFIELD, NJ 07090

EXAMINER

CHANG, TOM Y

ART UNIT

PAPER NUMBER

2456

MAIL DATE

DELIVERY MODE

10/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

Claims 1-11, and 20 are pending. Claims 21-23 have been cancelled in the response filed 10/07/2009.

### **Applicant Arguments**

The applicant argues that Henderson does not teach a lightpath because a lightpath may be construed as a very particular type of communication link. However, simply because Henderson refers broadly to the rendition of communication links over an optical medium does not mean that Henderson discloses the more particular step of rendering of lightpaths, let alone the determination of the impact caused by cable changes on lightpaths. In fact, Henderson does not even specifically discuss lightpaths.

The applicant argues that a strict interpretation of the term lightpath must be used, however the examiner disagrees because nothing in the claims or specification clearly defines the definition of lightpath. The fact that the applicant provided a submission of non-patent literature titled "Optical Networks: a Practical Perspective" as a means to support the applicant's arguments further supports that the definition is not anywhere in the disclosure of the invention.

The examiner must therefore construe to claim limitation of "lightpath" in a broadest reasonable way, which is fully supported by the optical network connections

Art Unit: 2456

taught by Henderson. Therefore the applicant's arguments filed 10/07/2009 have been fully considered but they are not persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOM Y. CHANG whose telephone number is (571)270-5938. The examiner can normally be reached on Monday - Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit, can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/522,201

Page 4

Art Unit: 2456

/T. Y. C./

Examiner, Art Unit 2456